

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ROY DANIELS MORAGA,

Case No. 3:21-cv-00056-LRH

Petitioner,

ORDER

v.

WARDEN PERRY RUSSEL, et al.,

Respondents.

Petitioner has submitted a *pro se* petition for writ of habeas corpus (ECF No. 1-1). Petitioner has submitted an application to proceed *in forma pauperis*, but he has not submitted the required financial certificate or inmate account statements. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice will materially affect a later analysis of any timeliness issue with regard to a new action.

Accordingly, petitioner has 30 days to either (1) pay the \$5.00 filing fee or (2) submit a financial certificate completed and signed by an authorized officer and an inmate account statement for the past six months. Failure to do so may result in the dismissal of this action without prejudice.

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1 **IT IS THEREFORE ORDERED** that within **30 days** of the date of entry of this
2 order petitioner shall submit a completed financial certificate and his inmate account
3 statement for the past six months.

4 **IT IS FURTHER ORDERED** that if petitioner fails to comply with this order, this
5 action may be dismissed without prejudice.

6 DATED this 12th day of March, 2021.

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9 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE